

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



22469

PATENT TRADEMARK OFFICE

Docket No.: 1213-01
Confirmation No.: 2404

Art Unit :
Examiner :
Serial No. : 10/001,451
Filed : October 23, 2001
Inventors : Lisa A.G. Tweardy
: Will Pickering
: Clay Burns
Title : CERVICAL BRACE

Dated: February 20, 2002

TRANSMITTAL LETTER

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

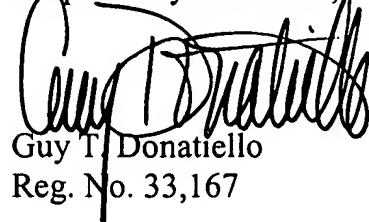
Sir:

We acknowledge receipt of the Notice to File Missing Parts dated December 20, 2001, copy enclosed. We submit herewith the executed Combined Declaration, Power of Attorney and Petition and request that it be formally entered in the file of the case.

We enclose herewith our check in the amount of \$65.00 comprising the surcharge for filing the Combined Declaration later than the date of actual filing of the application in the U.S. Patent & Trademark Office.

We also submit herewith an Information Disclosure Statement and Form PTO-1449 together with copies of publications listed therein.

Respectfully submitted,


Guy T. Donatiello
Reg. No. 33,167

GTD:jr
(215) 563-1810



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Sir:

Certificate of Mailing Under 37 CFR 1.8

For

Postcard

\$65.00 check

Transmittal Letter

Copy of Notice to File Missing Parts dated December 20, 2001

Preliminary Amendment

Executed Combined Declaration, Power of Attorney and Petition

Information Disclosure Statement

Form PTO-1449 w/copies of publications

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to **BOX MISSING PARTS**, Commissioner for Patents, Washington, DC 20231, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney
or Registered Representative:

Conn D. Matthews
Schnader, Harrison, Segal & Lewis
Customer No. 022469

By: _____

Date: _____



UNITED STATES PATENT AND TRADEMARK OFFICE

1213-01
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/001,451	10/23/2001	Lisa A.G. Tweardy	1213-01

22469
SCHNADER HARRISON SEGAL & LEWIS, LLP
1600 MARKET STREET
SUITE 3600
PHILADELPHIA, PA 19103

RECEIVED

DEC 26 2001

SHSL
IP DEPT.

CONFIRMATION NO. 2404

FORMALITIES LETTER



OC000000007220546

Date Mailed: 12/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/06/2002 SMINASS1 00000077 10001451

FILED UNDER 37 CFR 1.53(b)

01 FEB 2005

65.00 OP

Filing Date Granted

RESPONSE DUE 2/20/02

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- Drawings must be reasonably free from erasures and must be free from alterations, overwritings, interlineations, folds, and copy marks.

The following item(s) appear to have been omitted from the application:

- Figure(s) 6B-6E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY